

The Restriction Requirement is respectfully traversed. The International Application included claims to the same subject matter which is claimed in the present application. In the International Application, PCT Rule 13.1 (also cited in the present Office Action) controlled whether or not the subject matter of the present application should be divided into more than one application. In the International Application, under Rule 13.1, it was concluded that the present application did not need to be divided. In the present situation, the same principles apply as were applied in the International Phase, where PCT Rule 13.1 was applied.

In addition, the U.S. PTO has given no reason which support a position that the search and examination of the entire application could not be conducted without undue burden. For example, the U.S. PTO has not alleged that the respective groups of subject matter have attained separate status in the art, that the respective groups of subject matter are classified differently, that the respective groups of subject matter are of the same classification but contain divergent subject matter, that a search for the groups of subject matter would involve divergent fields of search, or that a search required for one group would not be required for the other. Accordingly, from the record, the search and examination of the entire application could be carried out without undue burden. Where the search and examination of an entire application can be conducted without undue burden, the U.S. PTO must examine the entire application (MPEP §803). The subject matter covered by new claims 106 - 124 relates to subject matter which was moved out of the elected claims in order to be within the subject matter covered by Group I, as understood by the Applicant.

The March 20, 2000 Office Action also includes a requirement for an election of species. In response, the Applicant provisionally elects cancer from within the group of conditions recited in claim 20. Among the claims within Group I of the Restriction Requirement, it is believed that claims 1 - 4, 6, 7, 10, 11, 13, 19 - 25, 32, 35, 58, 59, 61, 67 - 73, 90 - 96 and 103 - 105 read on the elected species.

In view of the above, favorable consideration is solicited.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The PTO is requested to record the attached Change of Address and forward all future communications to the address listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

BURR & BROWN

September 19, 2000

Date

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